

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re:	§	
	§	Chapter 11
	§	
CORE SCIENTIFIC, INC., et al.,	§	Case No. 22-90341 (DRJ)
	§	
	§	(Jointly Administered)
Debtors.¹	§	
	§	

**NOTICE OF PERFECTION OF MECHANIC’S AND MATERIALMAN’S LIEN OF
HARPER CONSTRUCTION COMPANY, INC. PURSUANT TO 11 U.S.C. § 546(b)**

Harper Construction Company, Inc. (“Harper”), by and through its undersigned counsel, hereby provides notice of perfection, maintenance, and/or continuation of rights in a mechanic’s and materialman’s lien in accordance with sections 362(b)(3) and 546(b)(2) of title 11 of the United States Code (the “Bankruptcy Code”).

1. Section 546(b)(2) of the Bankruptcy Code provides that when applicable law requires seizure of property or commencement of an action to accomplish perfection, or maintenance or continuation of perfection of an interest in property, the claimant may file a notice with the bankruptcy court, in lieu of seizure or commencement.

2. Harper is a company that entered into a contract with Core Scientific, Inc. (“Core Scientific”) dated March 18, 2022, wherein Harper agreed to perform labor, furnish materials, and/or to lease or rent equipment used on land, buildings, appurtenances and improvements on certain real property located in Muskogee County, Oklahoma (the “Muskogee Property”)

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are as follows: Core Scientific Mining LLC (6971); Core Scientific, Inc. (3837); Core Scientific Acquired Mining LLC (N/A); Core Scientific Operating Company (5526); Radar Relay, Inc. (0496); Core Scientific Specialty Mining (Oklahoma) LLC (4327); American Property Acquisition, LLC (0825); Starboard Capital LLC (6677); RADAR LLC (5106); American Property Acquisitions I, LLC (9717); and American Property Acquisitions, VII, LLC (3198). The Debtors’ corporate headquarters and service address is 210 Barton Springs Road, Suite 300, Austin, Texas 78704.

described in the *Amended and Supplemental Mechanic's and Materialman's Lien Statement* attached hereto as **Exhibit A** (the "Lien Statement").

3. The total amount due and owing to Harper up through December 21, 2022, the filing of the above-captioned bankruptcy cases (the "Bankruptcy Cases"), is at least \$9,700,571.00, plus interest, costs, and attorney's fees.

4. The interest perfected, maintained, or continued, hereby extends in and to the Muskogee Property, improvements, and/or leasehold interest in the Muskogee Property.

5. Pursuant to 11 U.S.C. § 546(b)(2), Harper provides notice to all parties in interest registered to receive electronic notice in these Bankruptcy Cases of Harper's rights as a perfected lienholder in the Muskogee Property, improvements, and/or leasehold interest in the Muskogee Property pursuant to the Oklahoma mechanic's and materialmen's lien statute. *See* 42 O.S. 141-154.

6. Harper is filing this notice to preserve, perfect, maintain, and continue its rights in the Muskogee Property, improvements, and/or leasehold interest in the Muskogee Property under Oklahoma state law in order to comply with the requirements of the Oklahoma mechanic's and materialmen's lien law and section 546(b)(2) of the Bankruptcy Code. This notice constitutes the legal equivalent of having recorded a mechanic's and materialman's lien in the recorder's office for the county where the property in question is located and then having commenced a suit to foreclose the lien in the proper court.

7. Moreover, pursuant to section 362(b)(3) of the Bankruptcy Code, neither this notice, nor the Lien Statement, is a violation of the Bankruptcy Code's automatic stay provision. Accordingly, by reason of this notice, Core Scientific and other parties in interest are estopped from claiming that the lawsuit to enforce the mechanic's and materialman's lien was not timely

consummated pursuant to applicable state law. Harper intends to enforce its mechanic's and materialman's lien rights to the fullest extent permitted under Oklahoma law. Harper reserves its rights to amend or supplement the lien claims against Core Scientific as articulated herein for any reasons or cause of action whatsoever.

8. The filing of this notice shall not be deemed to waive Harper's rights to seek relief from the automatic stay to foreclose on its liens and/or any other rights or defenses.

9. Nor shall the filing of this notice be construed as an admission that such filing is required under the Bankruptcy Code, the Oklahoma mechanic's and materialman's lien statute, or any other applicable law. In addition, Harper makes no admission of fact or law and asserts that its lien is senior to an effective against entities that may have acquired rights in the Muskogee Property previously, and reserves all rights to amend and/or supplement this notice.

Dated: February 22, 2023.

PORTER HEDGES LLP

/s/ John F. Higgins

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by electronic transmission to all registered ECF users appearing in the case on February 22, 2023.

/s/ John F. Higgins

John F. Higgins